

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ERIC WESTMAN,

Petitioner,

v.

JOSEPH LEHMAN, et al.,

Respondents.

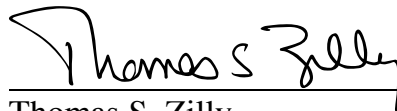
No. C04-2177Z

CERTIFICATE OF  
APPEALABILITY

All materials filed in support of or opposition to Petitioner's request for a certificate of appealability having been fully considered, the Court now rules as follows:

Because Petitioner has made a substantial showing of the denial of his constitutional rights, see 28 U.S.C. § 2253(c)(2), the request for a certificate of appealability, docket no. 28, is GRANTED IN PART as to the issue of the erroneous accomplice liability jury instruction. See docket no. 28, ¶ 3. The certificate of appealability is DENIED as to the remaining claims.

DATED this 27th day of October, 2005.



Thomas S. Zilly  
United States District Judge